

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11  
: Case No. 08-13555 (SCC)  
LEHMAN BROTHERS HOLDINGS INC., *et al.*, :  
: Jointly Administered  
Debtors. :  
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**SUPPLEMENTAL STIPULATION AND ORDER GOVERNING  
THE PRODUCTION AND USE OF DISCOVERY MATERIAL**

TO THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE:

This supplemental stipulation and order (“Supplemental Stipulation and Order”) is entered into by and between Lehman Brothers Holdings Inc. (“LBHI”) and Canary Wharf Management Ltd., Heron Quays (HQ2) T1 Limited and Heron Quays (HQ2) T2 Limited (each, a “Party” and collectively, the “Parties”) and supplements and modifies the Stipulation and Order Governing the Production and Use of Discovery Material entered by the Court on March 11, 2013 (ECF No. 35843) (the “Discovery Stipulation and Order”)<sup>1</sup> as provided herein.

**RECITALS**

A. On March 11, 2013, the Court entered the Discovery Stipulation and Order.

B. Paragraph 14 of the Discovery Stipulation and Order provides that

Within forty-five (45) days after the final conclusion of this Contested Matter, including all appeals, all Discovery Material and all copies thereof, shall either be (a) returned to the Producing Party or (b) destroyed, provided that counsel for

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<sup>1</sup> All capitalized terms not defined herein shall have the same meaning as in the Discovery Stipulation and Order.

each Party may retain (i) one copy of any pleading or other paper filed with the Court in the action, and (ii) any attorney work product that refers to any Discovery Material, as to which the other terms of this Stipulation and Order shall remain in effect. If the receiving Party chooses to destroy any such Discovery Material, then that Party shall certify the destruction to the Producing Party.

C. Paragraph 18 of the Discovery Stipulation and Order provides that the Parties may modify the Discovery Stipulation and Order by agreement, “subject to the approval of the Court.”

D. On October 7, 2014, the Court entered the Settlement and Compromise of All Claims Filed by the Canary Wharf Claimants (ECF No. 46461) resolving proofs of claim numbers 14824, 14825 and 14826 and constituting “the final conclusion of this Contested Matter” within the meaning of Paragraph 14 of the Discovery Stipulation and Order.

E. The Parties now wish to modify Paragraph 14 of the Discovery Stipulation and Order upon the terms and conditions herein:

**NOW, THEREFORE, IT IS HEREBY AGREED AMONG THE PARTIES, THROUGH THEIR RESPECTIVE UNDERSIGNED COUNSEL, AND SUBJECT TO OBTAINING COURT APPROVAL HEREOF, IT SHALL BE ORDERED THAT:**

1. Within five (5) days of the Court entering this Supplemental Stipulation and Order, the Parties shall (a) destroy their electronic databases (e.g., those accessed through Concordance or Relativity) where they store each Producing Party’s Discovery Material and (b) direct their respective experts retained in this Contested Matter to destroy Discovery Material in their possession, provided, however, that the Parties’ experts may retain any document previously submitted to the Court in connection with the Contested Matter, and any other materials (e.g., emails or draft reports) that quote, discuss or refer to any Discovery Material, as to which the other terms of the Discovery Stipulation and Order shall remain in effect. Each Party shall certify the destruction of Discovery Material in accordance with this paragraph to the Producing Party by e-mail.

2. This Supplemental Stipulation and Order shall not be construed to affect in any way the Producing Party's use or storage of its own Discovery Material that was produced to the receiving Party in this Contested Matter.

3. While this Supplemental Stipulation and Order is pending Court approval, no Party shall be construed to be in breach of Paragraph 14 of the Discovery Stipulation and Order.

4. Upon approval of this Supplemental Stipulation and Order by the Court, Paragraph 14 of the Discovery Stipulation and Order shall be deemed replaced in its entirety by Paragraph 1 of this Supplemental Stipulation and Order, and no Party shall be required to comply with Paragraph 14 of the Discovery Stipulation and Order.

5. This Supplemental Stipulation and Order only modifies Paragraph 14 of the Discovery Stipulation and Order and shall not be construed to affect any other provision.

6. This Supplemental Stipulation and Order may be signed by the Parties in counterparts.

Dated this 19th day of November, 2014.

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(HQ2) T1 Limited and Heron Quays  
(HQ2) T2 Limited*

So Ordered in New York, New York, this 20th day of November, 2014.

/S/ Shelley C. Chapman  
Honorable Shelley C. Chapman  
United States Bankruptcy Judge